

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 10-3983 AHM (FFMx)

Date August 10, 2012

Title AMERICAN OPTOMETRIC SOCIETY, INC. v. AMERICAN BOARD OF
OPTOMETRY, INC.

Present: The Honorable A. HOWARD MATZ, U.S. DISTRICT JUDGE

Stephen Montes

Not Reported

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys **NOT** Present for Plaintiff:

Attorneys **NOT** Present for Defendant:

Proceedings: IN CHAMBERS (No Proceedings Held)

The Court has received the unsolicited attached letter from Dr. Kenneth Myers, a trial witness. The Court invites counsel for Plaintiff to express the Court's gratitude to Dr. Myers for his thoughtful letter.

Initials of Preparer





Kenneth J. Myers, Ph.D., O.D.

P: 231-796-0127
18683 Milton Ave.
Big Rapids, MI 49307
www.abcmo.org
myers.kenj@gmail.com

Scientia est Potentia

The Honorable A. Howard Matz
Senior U.S. District Judge
Central District of California
312 North Spring Street
Los Angeles, CA 90012

August 6, 2012

Dear Judge Matz:

I write to thank you for the exemplary manner in which I believe you conducted the recent law suit "American Optometric Society, Inc. v. American Board of Optometry, Inc. [CV 10-03983 AHM (FFMx)] that you heard last week.

Although I served as an expert witness for the side you ruled against (AOS), it seemed clear you made every effort to allow the AOS to fully present its case and patiently listened to both sides (AOS and ABO) make often repetitive and non-relevant arguments.

My reason for testifying was to protect the Federal health credentialing system (VA) from credentials mislabeled as "board certification". In my opinion, both the ABO credential and the ABCO credential (that Dr. Pam Miller attempted to defend), are equally false and misleading as both certify competence at only the level of licensure rather than as a specialist. As explained in my Direct Testimony, both are Level 1 and not Level 2 credentials. Dr. Miller's claim as AOS President that a licensed OD is a specialist was also incorrect since one can only be a specialist in a portion of one's profession by achieving a Level 2 credential. No recognized health specialty board grants board certification to verify competence at the level of licensure as do ABO and ABCO.

I agree my profession has a profusion of "acronym groups" and is a "mess" which my "acronym group" was attempting to clarify by my testimony. Your last question to me, whether a non-ABO optometrist was at a competitive disadvantage for VA employment, allowed me to answer "no, since the ABO credential is at the level of licensure" and this allowed me to somewhat protect the VA credentialing system from bogus "board certification" credentials that only certify competence at the level of licensure.

Thank you again for the patience and courtesy you extended to both sides in a dispute over the meaning of "board certification" in which both sides, in my opinion, championed a false credential. The state licensing boards may eventually sort this out.

Sincerely;

Kenneth J Myers, Ph.D., O.D.